

DECLARATION, POWER OF ATTORNEY, AND PETITION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

VERTICAL NANOTUBE SEMICONDUCTOR DEVICE STRUCTURES AND METHODS OF FORMING THE SAME

the specification of which (check one below):

- ☒ is attached hereto.
- ☐ was filed on ___ as Application Serial No. ___ or Express Mail No. ___, and was amended on ___ (if applicable).
- ☐ was filed on ___ as PCT International Application No. ___, and as amended under PCT Article 19 on ___ (if any).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed?

_____	_____	_____	() Yes () No
(Number)	(Country)	Day/Month/Year Filed	
_____	_____	_____	() Yes () No
(Number)	(Country)	Day/Month/Year Filed	
_____	_____	_____	() Yes () No
(Number)	(Country)	Day/Month/Year Filed	

I hereby claim the benefit under Title 35, United States Code, §120 and/or §119(e) of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application.

_____	_____	_____
(Serial No.)	(Filing Date)	(Status: Patented, Pending, or Abandoned)
_____	_____	_____
(Serial No.)	(Filing Date)	(Status: Patented, Pending, or Abandoned)
_____	_____	_____
(Serial No.)	(Filing Date)	(Status: Patented, Pending, or Abandoned)

I hereby appoint John D. Poffenberger (R. No. 20,245), Bruce Tittel (R. No. 22,324), Donald F. Frei (R. No. 21,190), David J. Josephic (R. No. 22,849), David S. Stallard (R. No. 25,930), J. Robert Chambers (R. No. 25,448), Gregory J. Lunn (R. No. 29,945), Kurt L. Grossman (R. No. 29,799), Clement H. Luken, Jr. (R. No. 32,742), Thomas J. Burger (R. No. 32,662), Gregory F. Ahrens (R. No. 32,957), Wayne L. Jacobs (R. No. 35,553), Kurt A. Summe (R. No. 36,023), Kevin G. Rooney (R. No. 36,330), Keith R. Haupt (R. No. 37,638), Theodore R. Remaklus (R. No. 38,754), Thomas W. Humphrey (R. No. 34,353), Scott A. Stinebruner (R. No. 38,323), David H. Brinkman (R. No. 40,532), Thomas W. Flynn (R. No. 21,097), Joseph R. Jordan (R. No. 25,686), C. Richard Eby (R. No. 25,854), David E. Pritchard (R. No. 38,273), J. Dwight Poffenberger, Jr. (R. No. 35,324), Beverly A. Lyman, Ph.D. (R. No. 41,961), Kristi L. Davidson (R. No. 44,643), P. Andrew Blatt, Ph.D. (R. No. 44,540), David E. Jefferies (R. No. 46,800), William R. Allen, Ph.D. (R. No. 48,389), John Paul Davis (R. No. 52,798), Douglas A. Scholer (R. No. 52,197), David W. Dorton (R. No. 51,625), G. Prabhakar

Reddy (R. No. 47,890), all of Wood, Herron & Evans, L.L.P., 2700 Carew Tower, 441 Vine Street, Cincinnati, OH 45202-2917, telephone no. (513) 241-2324, and William J. McGinnis, Jr. (R. No. 25,698), James R. Nock (R. No. 42,937), Steven W. Roth (R. No. 34,712), Leslie J. Payne (R. No. 26,378), Grant A. Johnson (R. No. 42,696), Robert R. Williams (R. No. 48,395), John E. Hoel (R. No. 26,279), Christopher A. Hughes (R. No. 26,914), Stanley B. Green (R. No. 24,351), and Joseph C. Redmond, Jr. (R. No. 18,753), care of INTERNATIONAL BUSINESS MACHINES CORPORATION, New Orchard Road, Armonk, New York 10504, my attorneys, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all correspondence and telephone calls to


IBM Corporation
Intellectual Property Law Dept. 917
3605 Hwy. 52 North
Rochester, MN 55901
Telephone (513) 241-2324

Customer Number
30206

Wherefore I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of Inventor Toshiharu Furukawa

Inventor's Signature  Date 1/15/2004

Residence City/State Essex Junction, Vermont Citizenship Japan

Post Office Address Nine Oakwood Lane, Essex Junction, Vermont 05452

Full name of Inventor Mark Charles Hakey

Inventor's Signature Mark Charles Hakey Date 1/15/2004

Residence City/State Fairfax, Vermont Citizenship USA

Post Office Address 15 Bellows Street, Fairfax, Vermont 05454

Full name of Inventor Steven John Holmes

Inventor's Signature Steven John Holmes Date 1/15/2004

Residence City/State Guilderland, New York 12084 Citizenship USA

Post Office Address 103 Guilder Lane, Apt. 11, Guilderland, New York 12084

Full name of Inventor David Vaclav Horak

Inventor's Signature David Vaclav Horak Date 1/15/2004

Residence City/State Essex Junction, Vermont Citizenship USA

Post Office Address 47 Briar Lane, Essex Junction, Vermont 05452

Full name of Inventor Charles William Koburger, III

Inventor's Signature Charles William Koburger, III Date Jan 15, 2004

Residence City/State Delmar, New York Citizenship USA

Post Office Address 40 Roweland Avenue, Delmar, New York 12054-3032

Full name of Inventor Peter H. Mitchell

Inventor's Signature Peter H. Mitchell Date 1-15-2004

Residence City/State Jericho, Vermont Citizenship USA

Post Office Address 390 Vermont Route 15, Jericho, Vermont 05465

Full name of Inventor Larry Alan Nesbit

Inventor's Signature Larry Alan Nesbit Date 1-16-2004

Residence City/State Williston, Vermont Citizenship USA

Post Office Address 458 Wildflower Circle, Williston, Vermont 05495